



Docket No.: 1046.1100RE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Ryota AKIYAMA et al.

Serial No. 09/654,929

Confirmation No. 7584

Filed: September 5, 2000

Reissue of US Patent No. 5,812,661

For: SOFTWARE REPRODUCTION APPARATUS

REISSUE APPLICATION DECLARATION

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

We, Ryota AKIYAMA and Makoto YOSHIOKA, declare that:

1. Our residence, post office address and citizenship are as stated below next to our respective names.
2. We believe we are the original, first and joint inventors of the subject matter which is described and claimed in U.S. Letters Patent No. 5,812,661 ("the '661 patent") issued on September 22, 1998, and for which invention we solicit a reissue patent on the invention entitled SOFTWARE REPRODUCTION APPARATUS, disclosed in reissue application Serial No. 09/654,929, filed September 5, 2000.
3. We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended in the reissue application.

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4. We acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to us which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

5. We hereby claim foreign priority benefit under Title 35, United States Code, Section 119, of Japanese Patent Application No. 6-219364, filed August 10, 1994. There are no other foreign applications for patent or inventor's certificate having a filing date before Japanese Patent Application Number 6-219364 on which priority is claimed.

6. We believe the original '661 patent to be wholly or partly inoperative or invalid by reason of claiming more or less than we had the right to claim in the patent.

7. An error being relied upon as the basis for the reissue is that issued independent claims 1 and 7 recite an "error processing means", but that it would be desirable to include additional independent claims, other than issued independent claims 4 and 6, which do not recite an "error processing means".

Also, an error being relied upon as the basis for the reissue is that each of the issued independent claims 1, 4, 6 and 7 use means-plus-function language to recite "software management means", but that it would be desirable to include additional independent claims which do not use means-plus-function language and instead recite a "software manager".

Further, an error being relied upon as the basis for the reissue is that none of the issued independent claims 1, 4, 6 and 7 include the specific recitation of "a switch", but that it would be desirable to include additional independent claims which use the specific recitation of "a switch".

Further, an additional error being relied upon as the basis for the reissue is that each of the issued claims 1 through 7 has a preamble that uses the language "software reproduction apparatus", but that it would be desirable to include additional claims having a preamble that simply uses the language "apparatus" instead of "software reproduction apparatus".

Moreover, an error being relied upon as the basis for the reissue is that independent claim 4 includes the specific recitation of "key data", but it would be desirable to include additional independent claims, other than issued independent claims 1, 6 and 7, which do not recite "key data".

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Further, an error being relied upon as the basis for the reissue is that independent claims 6 and 7 include the specific recitation of "drive apparatus for installing a writable medium", but it would be desirable to include additional independent claims, other than issued independent claims 1 and 4, which do not recite "drive apparatus for installing a writable medium".

8. All errors being corrected in the reissue application up to the time of filing of this reissue declaration arose without any deceptive intention on the part of the applicants.

9. We hereby appoint the attorneys and/or agents of Staas & Halsey LLP under USPTO Customer No. 21,171 to prosecute this application and to transact all business in the Patent and Trademark Office in connection therewith.

Please send all correspondence related to the above-identified application to the following address:

STAAS & HALSEY
1201 New York Avenue, N.W.
Suite 700
Washington, D.C. 20005



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PATENT TRADEMARK OFFICE

10. We hereby declare that all statements made herein of our own knowledge are true, that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Inventor's Signature Ryoh Akiyama Date August 31, 2006

Residence 26-15, Nishiogi Kita 3-chome, Suginami-ku, Tokyo 167-0042 JAPAN

Full name of second inventor Makoto YOSHIOKA

Inventor's Signature: Mahmud I. Jashodea Date September 11, 2006

Country of Citizenship Japan

Residence 6-18-8, Hinominami Konan-ku, Yokohama-shi, Kanagawa 234-0055 JAPAN

Post Office Address c/o Fujitsu Limited, 1-1, Kamikodanaka 4-chôme, Nakahara-ku,
Kawasaki-shi, Kanagawa 211-8588 JAPAN

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